

a shade pattern formed selectively on a main surface of said transparent substrate;  
and

E1  
cont. a phase shift pattern selectively formed on said shade pattern and said transparent  
substrate,

wherein said phase shift pattern has a surface planarized to a degree obtained by a  
chemical and mechanical polishing.

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5. (Twice Amended) A method of fabricating a photomask comprising the  
steps of:

forming a hollow section on a main surface of a transparent substrate;

forming a shade pattern in said hollow section;

selectively forming a phase shift pattern on said transparent substrate and said shade  
E2 pattern; and

forming, by chemical and mechanical polishing, a slope shape on a surface of said  
phase shift pattern so that a thickness of a portion of said phase shift pattern in contact with  
said transparent substrate gradually decreases.

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7. (Twice Amended) A method of fabricating a photomask comprising the  
steps of:

forming a hollow section on a main surface of a transparent substrate;

E3

forming a shade pattern in said hollow section, said shade pattern having a surface which is not in contact with said transparent substrate and forming a same plane together with the main surface of the transparent substrate; and

selectively etching said main surface of said transparent substrate to form a phase shift pattern after forming said shade pattern.

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23. (Twice Amended) A photomask fabrication method at least comprising the steps of:

forming a resist on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said transparent substrate by using said resist as a mask;

eliminating said resist;

forming a shade film on said transparent substrate which is selectively etched;

performing a chemical and mechanical polishing for said shade film;

forming a resist film on said shade film;

selectively etching said resist film;

selectively etching said transparent substrate; and

performing said chemical and mechanical polishing for a phase shift pattern formed by selectively etching said transparent substrate.

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31. (Amended) The method of fabricating a photomask according to claim 5, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

E5

32. (Amended) The method of fabricating a photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

36. (Amended) The method of fabricating a photomask according to claim 5, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

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37. (Amended) The method of fabricating a photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

41. (Amended) A photomask comprising:

a transparent substrate;

a hollow section formed on a main surface of said transparent substrate;

a shade pattern formed in said hollow section;

a phase shift pattern formed by selectively etching said transparent substrate; and

E7

a halftone phase shift pattern with a shade pattern.

42. (Amended) A photomask comprising:

a transparent substrate;

a hollow section formed on a main surface of said transparent substrate;

a shade pattern formed in said hollow section; and

a phase shift pattern formed by selectively etching said transparent substrate, and

having a shade pattern formed with a phase shifter.

E7  
cont

43. (Amended) A photomask comprising:

a transparent substrate;

a hollow section formed on a main surface of said transparent substrate;

a shade pattern formed in said hollow section;

a phase shift pattern formed by selectively etching said transparent substrate; and

an intermediate type phase shift pattern.

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Please added the following new claims 50 and 51:

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50. (New) The photomask according to claim 2, wherein said shade pattern is

formed on top of the main surface of said transparent substrate.

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51. (New) The photomask according to claim 2, wherein said shade pattern has  
a surface including a first surface portion directly contacting with said phase shift pattern  
and a second surface portion not contacting with said phase shift pattern.

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E8  
CONT.